

MILFORD PLANNING BOARD PUBLIC HEARING
January 19, 2016 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Chris Beer, Chairman
Tim Finan
Janet Langell
Veerall Bharucha, Alternate member
Susan Robinson, Alternate member
Doug Knott, Alternate member
Kevin Frederico, BOS representative

Staff:

Lincoln Daley, Community Development Director
Shirley Wilson, Recording Secretary
Nico Giokas, Videographer

Excused:

Paul Amato
Judy Plant

PRESENTATION

1. 2015 Planning Board Distinguished Site Award.

PUBLIC HEARING

2. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:
 - A. Revisions to Article X, Administrative Relief, Section 10.02.3.A.3 to further clarify the Special Exception criteria relative to the calculation and maximum permitted size of a home occupation. The amendments also seek to revise Article IV Definitions, Section 4.01.0 Purpose by adding a new definition for the term, Floor Area, Gross.
 - B. Revisions to Article IV Definitions, Section 4.01.0 Purpose relative to the definition for Accessory Dwelling Units and adding a new definition for the term, Floor Area, Gross. The amendments also seek to revise Article X Administrative Relief, Section 10.02.6.A.1.c relative to the calculation and maximum permitted size of an accessory dwelling unit.

MINUTES:

3. Approval of minutes from 11/17/15, 12/01/15, and 1/05/16 hearings.

NEW BUSINESS:

4. **27 Scenic Drive, LLC – Crosby St – Map 39, Lot 16:** Public Hearing for a minor subdivision creating one (1) new residential lot. (*New application – Joseph M Wichert, LLS, Inc*)

Chairman Beer called the meeting to order at 6:40PM, introduced the Board and staff and explained the ground rules for the public hearing.

PRESENTATION:

2015 Distinguished Site Award

Chairman Beer explained that this award was designed to give annual recognition to distinguished sites in Milford whose thoughtful design, layout and appearance serves as a model of what makes Milford attractive, diverse and a vibrant place to live work and play.

This year's recipient has been nominated every year since the inception of the award in 2010 and we would like to congratulate Doug and Kathy Breton of United Auto Body as the 2015 Distinguished Site winner. This owner operated business is located on a well-maintained downtown gateway site that has preserved it's unique architectural features. Honorable Mentions for sites include Fieldstone Land Consultants, Balance Point Medicine, the new Cumberland Farms site, the Scout House, Granite Financial Partners (The Dutton House), Café on the Oval and Robins Egg, as well as former recipients, Giorgio's and Ciardelli Fuel Company.

D. Breton accepted the award and said they have owned the shop for 35 years. He really appreciated the acknowledgement and was very honored to receive this award.

J. Langdell added that this was the former railroad station on South St and thanked the Bretons for all they do for the community.

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Chairman Beer read the notice of hearing into the record and explained that the addition of the definition of Floor Area, Gross was added to the second article in case only one of the amendments passed at town vote. He then read the proposed revisions in their entirety:

4.01.0 *Floor Area, Gross* and *Accessory Dwelling Unit (ADU)*
10.02.3:A.3
10.02.6:A.1.c

J. Langdell brought up the second line in the definition of Floor Area, Gross, *The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above* and said that at the last meeting, there was a question as to whether a porch would be included in determining the gross floor area for an ADU. It was stated that it would not be included; however, that is different now. L. Daley said yes, porches, carports or other exterior space that was intended to be used as part of the building's occupiable space would be included. J. Langdell said she didn't feel that followed with the intent of the original ADU language and is concerned with leaving that line in the definition. It might not have as much impact on home occupations, but could potentially have a negative harmful impact on ADU calculations. The concept of stoops and porches and the ability to create a neighborhood kept coming up in our past discussions on housing and this definition would decrease those types of amenities. S. Robinson agreed and added that porches are not finished living space. She didn't understand how they could be counted in the calculations; it just doesn't make sense when 700SF is a very small area. L. Daley said he agreed with the Board to remove that sentence and referenced an earlier definition for gross floor area that didn't include the porches, carports or overhangs. He explained that the intent, in working with the ZBA, was to adopt the definition from

the 2009 IBC and this is verbatim. J. Langdell brought up discussion from that meeting and said that we wanted to see the language written out. Now that we see it, we are trying to avoid unintended consequences from a change that is trying to make our ordinances better.

Chairman Beer opened the discussion to the public; there being none, the public portion of the meeting was closed.

J. Langdell made a motion to remove the second sentence in the definition of *Floor Area, Gross* from all occurrences in both articles. K. Federico seconded and all in favor. The motion carried by a vote of 6-0-0. J. Langdell then inquired if this was a substantive change to the amendment. L. Daley replied yes and a brief discussion regarding timing for the next public hearing ensued. J. Langdell made a motion table the proposed amendments to the Monday 1/25/16 meeting. D. Knott seconded and all in favor. Motion carried by a vote of 6-0-0.

MINUTES:

The following corrections were made to the minutes:

Correct the spelling of Kevin Federico on the 12/1/15 and 1/5/16 minutes.

Add Veeral Bharucha as excused for 11/17/15.

Add Jacob Lafontaine as prospective alternate member on all sets.

J. Langdell made a motion to approve the minutes from 11/17/15, as amended. V. Bharucha seconded, K. Federico abstained and all else in favor. K. Federico made a motion to approve the minutes from 12/01/15, as amended. D. Knott seconded and all in favor. K. Federico made a motion to approve the minutes from 1/05/16, as amended. J. Langdell seconded and all in favor.

NEW BUSINESS:

27 Scenic Drive, LLC – Crosby St – Map 39, Lot 16: Public Hearing for a minor subdivision creating one (1) new residential lot. (*New application – Joseph M Wichert, LLS, Inc*)

Abutters present:

Janet Langdell, Elm St

Bob Mazrolle, Crosby St

Chairman Beer recognized:

Joseph Wichert, Joseph M Wichert, LLS Inc.

J. Langdell recused herself as an abutter.

Chairman Beer read the notice into the record and verified that the application was complete. K. Federico made a motion to accept the application. S. Robinson seconded and all in favor. V. Bharucha made a motion that the application did not pose potential regional impact. D. Knott seconded and all in favor. S. Wilson read the abutters list into the record.

J. Wichert presented updated plans dated 11/17/15 and described the existing site conditions. A variance was granted to the previous owner in September to create a new substandard lot. The new 10,033SF lot will have access to municipal sewer and water in the street. There is a 20ft wide drainage easement on the east side of the new lot so the setback on that side will be an extra 5ft. The revisions on the plan are in response to the staff comments, which he then reviewed. We have also added a wetlands scientist stamp to the plan confirming that there are no wetlands on the site.

L. Daley added he has spoken with the applicant and any property taxes due will be resolved prior to the signing of the plan.

Chairman Beer opened discussion to the public.

B. Mazrolle asked if anybody walks on Crosby St and said it is very dangerous. I think we need a sidewalk more than a house. Crosby St is a main entrance to the Hilton Homes development and it doesn't have a sidewalk, except for two small segments. C. Beer explained that putting in a sidewalk is not required in the Town's regulations for this subdivision, but we will ask the applicant. R. Mazrolle said he understands but with another house there are more cars and you have to start somewhere.

J. Langdell said she lives in that neighborhood and it is a high traffic area. Maybe the Board could go back to the Pedestrian and Bike Connectivity Plan to see what is called out for future consideration in the Crosby St area. She also inquired if any, or how much fill would be needed to build on that lot. J. Wichert reiterated that there are no wetlands on site and said that 27 Scenic Drive, LLC is not sure if they are going to build or sell the lot. He referenced an exhibit shown to the ZBA depicting a gable front house, but we don't really know what will get built there. He then described the topography and said the house may have a walkout basement in the back. In regards to the comments relative to a sidewalk, we would be willing to contribute if the town had an impact fee structure in place, but at this time he doesn't have any authority to say we would build one. A concern would be that the actual edge of pavement or travel way is shifted north and I don't know if there is a spot on the subject lot to sustain a sidewalk without an easement or widening of the ROW.

Chairman Beer closed the public portion of the hearing at 7:30PM.

Chairman Beer read the staff recommendations from the staff memo dated 1/13/16.

J. Wichert stated that when the property closed in November, the taxes were paid up to date. S. Wilson explained that the taxes due were for the second half of the tax year. J. Wichert said they will be taken care of.

D. Knott made a motion to grant conditional approval of the application, subject to the following conditions from the staff report dated 1/13/16, that;

1. A letter from a licensed surveyor be submitted to the Building Department attesting that all lot monumentation has been set prior to final Planning Board approval or a security be put in place for all property bounds and submitted to the Office of Community Development.
4. Revise easement documents pertaining to the 20' drainage easement shown on Map 39 Lot 16-1 and that said documents be submitted to the Town with the final plans for recording at the Hillsborough County Registry of Deed.
6. Prior to final subdivision approval, the applicant shall be required to raze the structure, relocate the structure out of the rear dimensional setback, or receive a Variance from Section 5.02.5.C. Yard Requirements.
7. Prior to the signing of the subdivision plan, the applicant shall be required to pay all outstanding property taxes or establish an agreement with the Town Tax Collector.

K. Federico seconded and all in favor. Vote 6-0-0; motion carried unanimously.

K. Federico made a motion to adjourn the meeting. V. Bharucha seconded and all in favor. The meeting was adjourned at 7:15PM.

MINUTES OF THE JAN 19, 2016 PLANNING BOARD PUBLIC HEARING APPROVED FEB 23, 2016

Motion to approve: J. Langdell

Motion to second: K. Federico